

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WISCONSIN
3 GREEN BAY DIVISION

4 S.V.,

5 Plaintiff,

6 vs.

Case No. 10 CV 919

7 KENNETH KRATZ,

8 Defendant,

9 and

10 STATE OF WISCONSIN and PEERLESS
11 INDEMNITY INSURANCE COMPANY,

12 Intervenor-Defendants.

13 Deposition of S.V.

14 January 16, 2013

15 1:22 p.m.

16 at

17 FOX & FOX, S.C.
18 124 West Broadway
19 Monona, Wisconsin

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21
22
23 Reported by Lynn Peppey Bayer, RPR, CM

24
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	Page 2	Page 4
1	Deposition of S.V., a witness in the 2 above-entitled action, taken at the instance of the 3 Defendants, pursuant to the Federal Rules of Civil 4 Procedure, pursuant to notice and agreement, before 5 Lynn Peppey Bayer, RPR, CM, Notary Public in and for 6 the State of Wisconsin, at 124 West Broadway, 7 Monona, Wisconsin, on January 16, 2013, commencing 8 at 1:22 p.m. and concluding at 2:53 p.m.	
9	A P P E A R A N C E S	
10	FOX & FOX By: Mr. Michael R. Fox 124 West Broadway Monona, Wisconsin 53716 (608) 258-9588 Appeared on behalf of the Plaintiff.	1 S.V., called as a witness herein, having 2 been first duly sworn, was examined and testified as 3 follows:
11	BORGELT, POWELL, PETERSON & FRAUEN, S.C. By: Mr. Ted Tornehl 735 North Water Street, Suite 1500 Milwaukee, Wisconsin 53202-4106 (414) 276-3600 Appeared on behalf of the Defendant Kenneth Kratz.	4 EXAMINATION 5 BY MR. TORNEHL:
12	GODFREY & KAHN S.C. By: Ms. Linda S. Schmidt One East Main Street P.O. Box 2719 Madison, Wisconsin 53701-2719 (608) 257-3911 Appeared on behalf of the Defendant Peerless Indemnity Insurance Company.	6 Q. By agreement with your attorney, I'm not going to ask 7 you your name on the record. But I am going to ask 8 you how old you are? 9 A. I'm 28. 10 Q. And what's your date of birth? 11 A. 9/3/84. 12 Q. Is this the first time you've ever given a deposition? 13 A. Yes. 14 Q. Okay. I'm going to ask you questions and you can probably understand where I'm going with these different questions. If you don't understand a question, though, tell me and I can repeat it or rephrase it. Okay? 15 A. Okay. 16 Q. And you can also ask the court reporter to read it back to you if you want to hear it a second time. 17 Q. Okay? 18 A. All right. 19 Q. It's also important and good that you answer out loud
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22		
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24		
25		
	Page 3	Page 5
1	I N D E X	
2 WITNESS EXAMINATION	PAGE	
3 S.V.		
4 EXAMINATION BY MR. TORNEHL	4	1 and avoid shaking your head yes or no, you've got to
5 EXAMINATION BY MR. FOX	51	2 speak out loud and verbalize yes or no or maybe or
6 EXAMINATION BY MS. SCHMIDT	52	3 whatever your answer is. Okay?
7 RE-EXAMINATION BY MR. TORNEHL	58	4 A. All right.
8	*****	5 Q. Good. Did you look at anything, paperwork-wise, to
9		6 prepare for this deposition?
10		7 A. We took a look at the texts.
11		8 Q. The text messages?
12		9 A. Um-hmm. Yes.
13 NUMBER DESCRIPTION	PAGE ID'D	10 Q. We'll look at them again in a little bit. Anything else?
14		11 A. No.
15		12 Q. Any medical records you looked at or anything like that?
16		13 A. Just the texts.
17		14 Q. Okay. Where do you live?
18		15 A. I live in Kaukauna, Wisconsin.
19		16 Q. And what's your address?
20		17 A. 2113 Thelen Avenue.
21 REQUEST	PAGE LINE	18 Q. How do you spell that?
22 (None.)		19 A. T H E L E N.
23		20 Q. And do you live there with anybody?
24		21 A. My daughter.
25		22 Q. And your daughter's name is what?
		23 A. Shanel.

1 Q. How old is Shanel? 2 A. Four. 3 Q. And what's her date of birth? 4 A. February 15th, 2008. 5 Q. Anyone else live with you and your daughter? 6 A. No. 7 Q. You're not married, are you? 8 A. No. 9 Q. Never been married? 10 A. No. 11 Q. How long have you lived at that address on Thelen in 12 Kaukauna? 13 A. Since November 15th of 2012. 14 Q. I guess 2009 is when a lot of the incidents happened 15 here beginning in June of 2009. Where were you 16 living at that time? 17 A. At my mother's house. 18 Q. And where did she live? 19 A. In Kaukauna. 20 MR. FOX: Let me get you trained just a 21 little bit. Just take a breath between the question 22 because you're a very fast answerer. And I'm not 23 going to object to any of the questions of the type 24 that are being asked right now; but just so that you 25 know, just have a little bit of a pause so that if	Page 6 1 A. Yes. 2 Q. And how long had you lived with Mr. Konnitzer prior 3 to the incident? 4 A. I would say off and on for ten years. 5 Q. Sounds like when you were teenagers you were dating? 6 A. Yes. 7 Q. And were you living with him right up to the date of 8 this incident? 9 A. Of what -- 10 Q. Well, the incident -- Mr. Konnitzer ended up 11 assaulting you and strangling you, correct? 12 A. Correct. 13 Q. And that was on June 27th of '09? 14 A. Correct. 15 Q. Okay. And were you living with him on that date? 16 A. Yes. 17 Q. And is that the last date you lived with him? 18 A. Yes. 19 Q. Are you a high school graduate? 20 A. Yes. 21 Q. And where did you go to high school? 22 A. I went to Kaukauna High School. 23 Q. Have you had any education beyond high school? 24 A. Some college. 25 Q. Okay. When and where?
Page 7 1 there is something I find that I have to say about 2 the question, I can say it. Okay? 3 THE WITNESS: All right. 4 MR. FOX: But you're doing fine. 5 BY MR. TORNEHL: 6 Q. The person you were dating, I'll call it, at the time 7 was Shannon Konnitzer? 8 A. Yes. 9 Q. Am I saying his name right, Konnitzer? 10 A. Yes. 11 Q. And you and Shannon never were married, correct? 12 A. No. 13 Q. Is Mr. Konnitzer your daughter's father? 14 A. Yes. 15 Q. And back in June of '09, you weren't living with 16 Mr. Konnitzer? 17 A. Prior to the incident I was. 18 Q. Okay. Where were you and Mr. Konnitzer living prior 19 to the incident? 20 A. We were living in Calumet County, in Kaukauna. 21 Q. Apartment or home? 22 A. In a home. 23 Q. And who owned the home? 24 A. We rented from -- from our landlord. 25 Q. Okay. You were a renter there?	Page 9 1 A. In 2010, I took a course at NTC in Wausau for early 2 childhood. 3 Q. Any other formal education? 4 A. No. 5 Q. After June 27th of '09, you moved for a time out of 6 Calumet County? 7 A. Yes. 8 Q. And when did you leave Calumet County? 9 A. Immediately after the incident. 10 Q. Okay. Like -- 11 A. That night. 12 Q. That night. Where did you move to? 13 A. I went and stayed at my mother's. 14 Q. But also in Kaukauna? 15 A. Yes. 16 Q. And how long did you then live with your mother? 17 A. Until November of 2009. 18 Q. And where did you move then? 19 A. I moved to Merrill, Wisconsin. 20 Q. And why did you move in November of '09 to Merrill? 21 A. I believe due to the incidents that had happened 22 prior. 23 Q. What incidents? 24 A. Due to the -- what happened with Mr. Konnitzer and 25 what happened with Mr. Kratz.

<p>Page 10</p> <p>1 Q. Were you moving to Merrill in November of '09 to get 2 away from Mr. Konnitzer? 3 A. I believe you could say that, yes. 4 Q. Was he -- he was arrested shortly after this 5 incident, correct, the assault? 6 A. Yes. He was arrested that evening. 7 Q. That evening. And was he locked up? 8 A. Yes. 9 Q. How long was he locked up? 10 A. He was -- well, he got out that morning. His family 11 had posted bail for him. 12 Q. Okay. And I assume at that time you were afraid of 13 him, correct? 14 A. Yes. 15 Q. And that's when you were living with your mother at 16 that time, correct? 17 A. Yes. 18 Q. How much jail time did he do? 19 A. He started I believe in June of 2010 and ended 20 somewhere around -- he did six months. And then six 21 months out on probation, I believe. 22 Q. So how long did you live in Merrill? 23 A. I lived there from 2009, that hunting season, that 24 deer gun season, until September 10th of 2011. 25 Q. Sounds like a little short of a year then?</p>	<p>Page 11</p> <p>1 A. Yes. 2 Q. And then you moved back to Kaukauna. What, did I 3 misspeak? 4 MR. FOX: Yeah. Did I miss those dates? 5 Did you say 2009 to 2011? 6 THE WITNESS: Yeah. Gun deer and then 7 I've been home -- 8 MR. FOX: I thought that was two years. 9 MR. TORNEHL: That's two. 10 A. Yeah. 11 Q. So for two years you lived in Merrill? 12 A. Correct. 13 Q. From November 2009 to September 2011? 14 A. Correct. 15 Q. And did you live with anybody in Merrill? 16 A. First I lived with my dad when I first moved up 17 there. My father has a permanent residence up there. 18 And then I went and got my own apartment, and then 19 that was pretty much it until I left Merrill. 20 Q. Okay. Is your dad still there? 21 A. Yes. 22 Q. What does he do? 23 A. He is a foreman, I guess you could say, at Semco 24 Windows & Doors in Merrill. 25 Q. Okay. Where was your daughter born, in Merrill?</p>	<p>Page 12</p> <p>1 A. No. She was born at Appleton Medical Center in 2 Appleton. 3 Q. That was 2008, yes? 4 A. Yes. 5 Q. During the time you were living in Merrill for that 6 I'll call it two years, were you living there mainly 7 out of fear of Mr. Konnitzer? 8 A. I don't really know how to answer that. That wasn't 9 the total reason I was living there. That -- yes, I 10 guess you could say that. But it was other factors 11 as well. 12 Q. What other factors? 13 A. I guess the fact that my fear of authority kind of 14 pushed me up there, and it's a small enough town 15 where I didn't really have to have that fear. That 16 it was just basically one sheriff on duty and he's -- 17 pretty much everyone knows him in town, so... 18 Q. What made you move back to Kaukauna? 19 A. Homesick. 20 Q. Homesick for Kaukauna and your mother? 21 A. I'd say family. 22 Q. You have other family in Kaukauna? 23 A. My grandparents live in Appleton, which is on the 24 outside of Kaukauna. 25 Q. Sure.</p>	<p>Page 13</p> <p>1 A. And they're pretty much my moral staple in my life. 2 They're pretty much my parents you could say. So, 3 yeah, that brought me back. Their health is 4 deteriorating every day, so I want to be close with 5 them. 6 Q. Are these grandparents on your mother's side? 7 A. Yes. 8 Q. Are you still close to your father? 9 A. Yes. 10 Q. Are you working right now? 11 A. Yes. 12 Q. Where do you work? 13 A. I work at the Grandstay Hotel & Suites in Appleton. 14 Q. And what did you do there? 15 A. I'm the front desk manager. 16 Q. How long have you worked there? 17 A. I worked there since October 3rd of 2012. 18 Q. So you've been there, what, three months? 19 A. Yes. 20 Q. Do you plan on staying there? 21 A. Yes. 22 Q. You like the job? 23 A. Yes. 24 Q. Good. Is it first shift? 25 A. Yes.</p>
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<p>1 Q. And where did you work prior to that?</p> <p>2 A. I was unemployed for a short time. And when I moved</p> <p>3 back to Kaukauna from Merrill, I was bartending for a</p> <p>4 short time.</p> <p>5 Q. And where did you bartend?</p> <p>6 A. At JJ Maloney's.</p> <p>7 Q. That's in Appleton?</p> <p>8 A. It's in Kaukauna.</p> <p>9 Q. Kaukauna. And where else did you work?</p> <p>10 A. At the Brick House in Kaukauna.</p> <p>11 Q. Okay. So you had a couple bartending jobs in</p> <p>12 Kaukauna when you moved back and then you got your</p> <p>13 job at the Grandstay?</p> <p>14 A. Um-hmm. Yes.</p> <p>15 Q. And when you were in Merrill, did you have a job?</p> <p>16 A. Yes.</p> <p>17 Q. And where did you work?</p> <p>18 A. I worked at Trinity Lutheran.</p> <p>19 Q. That's a school or a church?</p> <p>20 A. Both.</p> <p>21 Q. Was it a daycare job?</p> <p>22 A. Yes. It was helping out with after school programs</p> <p>23 as well as preschool help. They had just started a</p> <p>24 preschool program there, and with my experience they</p> <p>25 thought I would be useful.</p>	<p>1 relationship with Mr. Konnitzer. Obviously on</p> <p>2 June 27th of '09 it got violent, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Was he -- was it an abusive relationship before that?</p> <p>5 A. Yes.</p> <p>6 Q. For how long had it been abusive?</p> <p>7 A. I'd say approximately nine years.</p> <p>8 Q. So almost the whole time you knew him he was abusive</p> <p>9 towards you?</p> <p>10 A. Yes.</p> <p>11 Q. Physically, obviously, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Also mentally abusive, verbally abusive?</p> <p>14 A. Yes.</p> <p>15 Q. Was the incident on June 27th of '09 above and beyond</p> <p>16 what it had been before in terms of the level of</p> <p>17 abusiveness?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Was that the first time you went to any</p> <p>20 authorities about it?</p> <p>21 A. I reported him one other time and retracted my</p> <p>22 report. He had -- we had had an episode where he was</p> <p>23 violent, and I called the authorities on him and just</p> <p>24 retracted it and...</p> <p>25 Q. Did the police even investigate?</p>
Page 15	Page 17
<p>1 Q. How about back when this incident happened in June of</p> <p>2 '09, were you working then?</p> <p>3 A. Yes.</p> <p>4 Q. And where were you working?</p> <p>5 A. I was working at Little Hearts Daycare in Darboy,</p> <p>6 Wisconsin.</p> <p>7 Q. Is that somewhere in Calumet County?</p> <p>8 MR. FOX: If you know.</p> <p>9 A. I don't know if it's --</p> <p>10 BY MR. TORNEHL:</p> <p>11 Q. Okay, what county?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Anyway, was that a full-time job?</p> <p>14 A. Yes.</p> <p>15 Q. Did you quit that when you left town to go to</p> <p>16 Merrill?</p> <p>17 A. I was let go from there shortly after the incident</p> <p>18 with Mr. Konnitzer.</p> <p>19 Q. Why did they fire you?</p> <p>20 A. There was speculation, and I don't like to speculate,</p> <p>21 but his sister worked there and was a favorite of the</p> <p>22 owner. So I'll --</p> <p>23 Q. Mr. Konnitzer's sister also worked there?</p> <p>24 A. Correct.</p> <p>25 Q. I want to ask you a little more about your</p>	<p>1 A. No, I don't believe so. I don't recall.</p> <p>2 Q. He wasn't arrested or called in, was he?</p> <p>3 A. No.</p> <p>4 Q. When was that?</p> <p>5 A. I would say a week or two weeks prior to the Neenah</p> <p>6 incident, to the June 27th incident.</p> <p>7 Q. That nine years of abuse you had with him, did that</p> <p>8 ever cause you to seek out any counseling or anything</p> <p>9 like that?</p> <p>10 A. No.</p> <p>11 Q. During the nine years that he was physically abusive,</p> <p>12 was that causing you anxiety and stress?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever talk to any doctors about that?</p> <p>15 A. I talked to them about stress, but kind of passed it</p> <p>16 off as other things to -- as to not to raise</p> <p>17 awareness of the abuse in my relationship.</p> <p>18 Q. Okay. So that was never discussed with anybody</p> <p>19 outside of -- anybody?</p> <p>20 A. No.</p> <p>21 Q. How about your mom?</p> <p>22 A. No. During the duration of Shannon and I's</p> <p>23 relationship, I really lost touch with my mom. I</p> <p>24 didn't really talk to her. Again, my grandparents</p> <p>25 were my sole support system. My grandmother is who I</p>

1 went to with everything. If there was a small 2 problem or a large problem, I would go to my 3 grandmother about it. 4 Q. Did you ever talk to her about how you felt being in 5 an abusive relationship? 6 A. From time to time, we touched on it. 7 Q. Okay. Is she the only one then you ever talked to 8 about this up until the day you went to the police? 9 A. Yeah. Friends speculated; but in that kind of 10 situation, nobody really comes forward to say 11 anything or do anything about it because it's none of 12 anyone's business, so... 13 Q. Are you dating someone now? 14 A. Yes. 15 Q. Good. Somebody, I assume, in the Kaukauna area? 16 A. Yes. 17 Q. What's his name? 18 A. Steven. 19 Q. With a P H or a V? 20 A. V. 21 Q. And what's Steven's last name? 22 A. MacGregor. 23 Q. And what does Mr. MacGregor do for a living? 24 A. He's a laser press operator at Perper Express 25 (phonetic) in De Pere, Wisconsin.	Page 18 1 Q. And you don't talk to him any more than you have to 2 about Shanel's needs or things like that, correct? 3 A. If it's for her health or education, we'll talk about 4 it then. But very brief and very businesslike. 5 Very -- very brief is what I could say about it. 6 Q. Okay. Now, you work first shift. What's your 7 daycare setup for your daughter? 8 A. Shanel is in 4K this year. So she goes a half a day 9 to daycare, and the bus picks her up from there and 10 drops her back off at daycare at approximately 4:00. 11 And most of the time I beat her home from the bus and 12 I sit and wait for her and that's it. 13 Q. How about when she's with her dad? 14 A. She goes to daycare -- 15 Q. The same daycare? 16 A. No. 17 Q. A different one? 18 A. Um-hmm. 19 Q. So every other week she's in a different daycare? 20 A. Correct. 21 Q. The same 4K, though? 22 A. Yes. 23 Q. So her school doesn't change, just her daycare? 24 A. Yes. 25 Q. I've seen just a couple of your medical records and
Page 19 1 Q. But you're not living together? 2 A. No. 3 Q. How long has he been boyfriend, if that's the right 4 word? 5 A. April of 2012. 6 Q. Have you had other male friends since June 27th of 7 '09? 8 A. No. 9 Q. Nothing ongoing or steady like your relationship, at 10 least for a handful of months, with Mr. MacGregor? 11 A. No. 12 Q. Have you seen Mr. Konnitzer since June 27th of '09? 13 A. Yes. 14 Q. Because -- does he have some custody rights with your 15 daughter? 16 A. Yes. 17 Q. Tell me what that is. 18 A. We have -- we share 50/50 custody. He takes a week, 19 I take a week. It's from Friday to Friday. For the 20 first duration when we could not have contact with 21 each other, we had a third party pick up, drop off. 22 And now he brings her to the door and leaves. And 23 that's it. 24 Q. So you see him weekly? 25 A. Sparingly we could say.	Page 20 1 barely looked at them. But I saw in there some 2 mention where you were talking to doctors about 3 depression? 4 A. Um-hmm. 5 Q. Yes? 6 A. Yes. 7 Q. And I believe at one place it indicated even back in 8 high school you had seen somebody for depression? 9 A. Yes. 10 Q. Okay. You look like you want to qualify that answer. 11 A. It's so far back, but I know it had pertained to 12 Shannon because we had started dating when I was 15. 13 So that's pretty much entirely your entire high 14 school career. 15 Q. Sure. How much older is Shannon than you? 16 A. Two years. 17 Q. Okay. So back then you saw somebody for depression 18 even in high school, correct? 19 A. Yes. 20 Q. And in your mind that was related to your 21 relationship with Shannon even then? 22 A. Yes. 23 Q. Are you currently seeing anybody for depression or 24 anxiety or anything like that? 25 A. No.

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<p>1 Q. When was the last time?</p> <p>2 A. 2009 I believe was the date. I'm not 100 percent on</p> <p>3 the date. But I sought out counseling in Merrill and</p> <p>4 that lasted one session.</p> <p>5 Q. Okay. I haven't seen those records. Who -- what</p> <p>6 counseling service or place did you go?</p> <p>7 A. Merrill Health Center.</p> <p>8 Q. Who did you see, do you know?</p> <p>9 A. I do not recall.</p> <p>10 Q. Man or woman?</p> <p>11 A. It was a woman.</p> <p>12 Q. How long a session did you have with her?</p> <p>13 A. I'd say it was about an hour and it was cut short by</p> <p>14 me.</p> <p>15 Q. You kind of just cut it short because you didn't want</p> <p>16 to deal with it?</p> <p>17 A. Ever since everything has transpired, I don't really</p> <p>18 have trust in anybody. So I didn't really trust her</p> <p>19 with my box of secrets, so to speak. I didn't feel</p> <p>20 comfortable talking about any of it.</p> <p>21 Q. When you say "any of it," what are you referring to?</p> <p>22 A. As far as Mr. Konnitzer's situation, as far as</p> <p>23 Mr. Kratz' situation, I just didn't feel comfortable.</p> <p>24 Q. Did you talk to her at all about your relationship</p> <p>25 with Mr. Konnitzer and the abuse?</p>	<p>1 Q. Did your mother take you there?</p> <p>2 A. I went alone.</p> <p>3 Q. Okay. And why did you go there?</p> <p>4 A. I was experiencing pain and as having a</p> <p>5 one-and-a-half-year-old daughter at the time, they are</p> <p>6 not understanding of the concept of I'm sore and I've</p> <p>7 been through a traumatic thing. So I was going to</p> <p>8 seek maybe advice on icing or whatnot, how to take</p> <p>9 care of my injuries basically.</p> <p>10 Q. And I see in here that the primary thing that</p> <p>11 Mr. Konnitzer did on June 27th was he was strangling</p> <p>12 you, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Was he hitting you also?</p> <p>15 A. There was not any hitting that I recall.</p> <p>16 Q. Yeah, I didn't see any mention of hitting in here.</p> <p>17 But I see that your face was bruised; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And why was that bruised?</p> <p>20 A. With the opposite hand that he was strangling me</p> <p>21 from, there was a hand over my mouth.</p> <p>22 Q. Had he ever strangled you before?</p> <p>23 A. No.</p> <p>24 Q. Was he intoxicated at the time?</p> <p>25 A. Yes.</p>
Page 23	Page 25
<p>1 A. It had just gotten started when we started talking</p> <p>2 about dreams and thoughts, and it was just cut short.</p> <p>3 Q. Okay. Did you talk to that counselor at the Merrill</p> <p>4 Health Center at all about Mr. Kratz?</p> <p>5 A. No.</p> <p>6 Q. So other than one cut-short session at the Merrill</p> <p>7 Health Center, have you seen any other healthcare</p> <p>8 professionals since June of 2009?</p> <p>9 A. No.</p> <p>10 Q. I did -- Mr. Fox just gave me right before the</p> <p>11 deposition your records from the --</p> <p>12 MR. FOX: Did you get one?</p> <p>13 MS. SCHMIDT: I did not.</p> <p>14 MR. FOX: Let me get copies if you're</p> <p>15 going to go into those.</p> <p>16 (Discussion off the record.)</p> <p>17 BY MR. TORNEHL:</p> <p>18 Q. Your attorney gave me these records from ThedaCare</p> <p>19 that I had a few minutes to look at from the Appleton</p> <p>20 Medical Center. And you went there on June 29th, two</p> <p>21 days after the incident with Mr. Konnitzer, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And was that the first medical professional you saw</p> <p>24 after June 27th?</p> <p>25 A. Yes.</p>	<p>1 Q. And apparently he strangled you to the point you were</p> <p>2 drifting in and out of unconsciousness?</p> <p>3 A. Correct.</p> <p>4 Q. So other than -- when you went to the hospital two</p> <p>5 days later, tell me what your physical injuries were?</p> <p>6 A sore neck, I assume, and back I think I see in</p> <p>7 here.</p> <p>8 A. Sore neck, sore back, ribs were hurt because he was</p> <p>9 on top of me, his entire body weight.</p> <p>10 Q. How big a guy is Mr. Konnitzer?</p> <p>11 A. Shannon is about six-two, at about 280 pounds.</p> <p>12 Q. So he's a big guy.</p> <p>13 A. Farm boy.</p> <p>14 Q. Okay. And there's also mention in here he tried to</p> <p>15 run you over with his car?</p> <p>16 A. Correct. With his friend's truck.</p> <p>17 Q. Did this whole incident with him happen out in the</p> <p>18 driveway or something?</p> <p>19 A. It happened outside of our house, yes.</p> <p>20 Q. During the daytime?</p> <p>21 A. No.</p> <p>22 Q. Oh, at night?</p> <p>23 A. At approximately 9:30.</p> <p>24 Q. He didn't succeed in running you over, I assume?</p> <p>25 A. No.</p>

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<p>1 Q. Now, the hospital record -- or Appleton Medical 2 Center record indicates that you had a sore throat, 3 difficulty swallowing, headaches and mild neck 4 discomfort. Does that pretty much sum it up?</p> <p>5 A. Yes.</p> <p>6 Q. And a bruised face.</p> <p>7 A. Correct.</p> <p>8 Q. Since June 27th of '09, did you have any other 9 medical treatment for your injuries from the assault?</p> <p>10 A. No.</p> <p>11 MR. TORNEHL: Let me go off the record for 12 a minute.</p> <p>13 (Discussion off the record.)</p> <p>14 MR. TORNEHL: Back on the record.</p> <p>15 Q. Mr. Fox had also sent me some, at my request, some 16 records from the Marshfield Clinic Merrill Center 17 where you were seen on March 22, 2010, and then a 18 second time on June 22, 2011. Does that sound 19 approximately correct to you?</p> <p>20 A. Approximately.</p> <p>21 Q. Is that the only place during the time you lived in 22 Merrill that you went for any kind of medical 23 treatment?</p> <p>24 A. Yes.</p> <p>25 Q. And as I read these records, it looks like you went</p>	<p>1 Q. I see you did discuss with these doctors about taking 2 something for depression, but I can't tell if you 3 really got a prescription or did anything with that 4 or not.</p> <p>5 A. I tried several different prescriptions and none of 6 them seemed to work. They had -- bad side effects 7 with them. So I just talked about it with my doctor 8 and we just decided I would try to just deal with it, 9 if you will.</p> <p>10 Q. Okay. Do you feel depressed now?</p> <p>11 A. Since I stopped trying to look for a cure to being 12 depressed, I just kind of went into self-help mode 13 and tried to just kind of deal with things on my own 14 as they come and just slow it down and take a minute. 15 So I don't --</p> <p>16 Q. So you're dealing with it now?</p> <p>17 A. Correct.</p> <p>18 Q. And you've got a new boyfriend and your daughter's in 19 school, so everything's looking much brighter for 20 you?</p> <p>21 A. Yes.</p> <p>22 Q. And you like your new job?</p> <p>23 A. Yes.</p> <p>24 MR. TORNEHL: I need to take a break. 25 (Recess taken from 1:57 to 2:01 p.m.)</p>
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<p>1 in there for kind of a general checkup?</p> <p>2 A. Yes.</p> <p>3 Q. All kinds of different things you discussed, correct?</p> <p>4 A. Yes.</p> <p>5 Q. I do note that there is a mention in here when you 6 were living in Merrill with your dad, there was seven 7 other people living there?</p> <p>8 A. Yes.</p> <p>9 Q. Is that all his family, is that -- I assume?</p> <p>10 A. Yes. He has three other children besides myself, 11 plus his wife, plus himself. So -- and they're all 12 younger than I am, they were all in high school at 13 the time. So they were all obviously living at home.</p> <p>14 Q. So three of your brothers and sisters you were living 15 with during that two years?</p> <p>16 A. Correct. For a partial time until I got my own 17 apartment.</p> <p>18 Q. Okay. And I see you did report to this physician in 19 Merrill about your prior physical and emotional abuse 20 in your prior relationship, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And you state in there that you are now away from the 23 situation and feel safe, and that has to do with your 24 moving to Merrill to get away from him, correct?</p> <p>25 A. Correct.</p>	<p>1 BY MR. TORNEHL:</p> <p>2 Q. Okay. On June 27th of '09, after Mr. Konnitzer 3 assaulted you, you went to the Kaukauna police?</p> <p>4 A. Correct -- no.</p> <p>5 Q. Did you call them or did you go to them?</p> <p>6 A. I had to call the Calumet County Sheriff's Department 7 because we were right on the county line between 8 Outagamie and Calumet. So I had to go through the 9 sheriff's department and they had to have someone 10 dispatched out to our home in Kaukauna.</p> <p>11 Q. And was Mr. Konnitzer there when he was arrested?</p> <p>12 A. Yes.</p> <p>13 Q. Did he know you were calling the police?</p> <p>14 A. He had left after he tried running me over. Then he 15 had left. I ran into the house to dial 9-1-1. And 16 he had come back. And I was hiding in between my 17 daughter's crib and her dirty laundry basket. And he 18 had found me and said I suppose you called the 19 police. I told them I will not hang up with you, but 20 I'm going to set you down, and hid the phone in her 21 laundry basket. And then he stormed upstairs to our 22 gun room. And that's when I went outside and locked 23 myself in our garage.</p> <p>24 Q. Did he get a gun that night?</p> <p>25 A. The next morning, all we found was a shell casing in</p>

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<p>1 our daughter's crib with a .22 propped up against it.</p> <p>2 Q. So he was then out on bail from the next morning</p> <p>3 until after the court proceeding, correct?</p> <p>4 A. Yes.</p> <p>5 Q. What was your role in the criminal prosecution?</p> <p>6 A. Could you elaborate on that question.</p> <p>7 Q. Sure. That was not a good question. After he got</p> <p>8 out on bail, what was the next time you were involved</p> <p>9 with prosecutors or the police?</p> <p>10 A. They contacted me, I believe. It's vague, so it's --</p> <p>11 I don't fully remember.</p> <p>12 Q. All right. When did you first meet Mr. Kratz?</p> <p>13 A. I believe it was the preliminary hearing.</p> <p>14 Q. Which was actually in the courtroom?</p> <p>15 A. Correct.</p> <p>16 Q. And what was your involvement at the preliminary</p> <p>17 hearing?</p> <p>18 A. To sit.</p> <p>19 Q. You didn't have to say anything?</p> <p>20 A. Correct.</p> <p>21 Q. And had you met with Mr. Kratz before the prelim?</p> <p>22 A. No.</p> <p>23 Q. So you just walked in, you sat. Did you get</p> <p>24 introduced to him?</p> <p>25 A. I don't believe at that time I was, no.</p>	<p>1 Q. Was there a victim counselor there as well?</p> <p>2 A. I believe that's who the female was.</p> <p>3 Q. And your grandfather accompanied you?</p> <p>4 A. Correct.</p> <p>5 Q. What's his name?</p> <p>6 A. Gary Glaser.</p> <p>7 Q. Glaser?</p> <p>8 A. G L A S E R.</p> <p>9 Q. So that meeting with Mr. Kratz was right before you</p> <p>10 took the stand?</p> <p>11 A. Correct.</p> <p>12 Q. And tell me the next time you had any involvement</p> <p>13 with Mr. Kratz or with the judicial system.</p> <p>14 A. It was, I believe, a couple weeks after. I had to</p> <p>15 drive out to Calumet County to Chilton, I believe it</p> <p>16 is, to speak with Mr. Kratz about what was going to</p> <p>17 happen in Shannon's case and what I wanted to see</p> <p>18 come from it. I don't exactly know what that meeting</p> <p>19 is called. There's a legal name for this meeting</p> <p>20 that I don't -- I can't recall. But it was to get my</p> <p>21 feelings on how I wanted the case to proceed and what</p> <p>22 his recommendations to the judge were and to his</p> <p>23 attorney, so...</p> <p>24 Q. Who else was there?</p> <p>25 A. No one.</p>
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<p>1 Q. All right. Okay. And what was your next involvement</p> <p>2 with the judicial system?</p> <p>3 A. It was when I had to take the stand and testify</p> <p>4 against Mr. Konnitzer.</p> <p>5 Q. And what proceeding was that at? You can tell I'm</p> <p>6 not a criminal lawyer.</p> <p>7 A. You can tell I'm not as well. I don't fully</p> <p>8 remember.</p> <p>9 Q. But you had to get on the stand and testify about the</p> <p>10 incident?</p> <p>11 A. Correct.</p> <p>12 Q. And was Mr. Kratz questioning you?</p> <p>13 A. It was his attorney -- Shannon Konnitzer's attorney</p> <p>14 that was questioning me. Mr. Kratz I don't</p> <p>15 believe -- I don't fully remember if he did any</p> <p>16 questioning at all.</p> <p>17 Q. Had Mr. Kratz met with you before that proceeding?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And was it that day, just earlier in the day</p> <p>20 before the proceeding?</p> <p>21 A. Yes.</p> <p>22 Q. And who else was at that meeting?</p> <p>23 A. I believe it was a secretary or receptionist. It was</p> <p>24 a female that was in the room with us, as well as my</p> <p>25 grandfather.</p>	<p>1 Q. Okay. This was a meeting just you and Mr. Kratz?</p> <p>2 A. Correct.</p> <p>3 Q. And what did you tell him you wanted done with</p> <p>4 Mr. Konnitzer?</p> <p>5 A. I told him that he needed extensive classes,</p> <p>6 basically, to help him see what he's done, to help</p> <p>7 him become a better man in his daughter's life. That</p> <p>8 was my main objective is because she is going to</p> <p>9 become old enough to see what he's done and to know</p> <p>10 because it's out there. So I wanted him to try to</p> <p>11 become a better man before she knew this, basically.</p> <p>12 So he needed to be punished, he needed to I believe</p> <p>13 have extensive counseling, and he needed to be put</p> <p>14 away for a while because nobody gets away with</p> <p>15 killing anyone without doing a little bit of jail</p> <p>16 time. So that's pretty much what I wanted for him.</p> <p>17 But I wanted him to get help, it was above and beyond</p> <p>18 all.</p> <p>19 Q. Is there some recommendation you made to Mr. Kratz or</p> <p>20 anybody else as far as what kind of time you wanted</p> <p>21 to see Mr. Konnitzer do?</p> <p>22 A. No. Because the time that he did in jail wasn't as</p> <p>23 important to me as the help that he got.</p> <p>24 Q. You wanted him prosecuted for a felony, though,</p> <p>25 correct?</p>

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<p>1 A. Correct.</p> <p>2 Q. As opposed to a misdemeanor?</p> <p>3 A. Correct.</p> <p>4 Q. What did Mr. Kratz tell you he was going to do?</p> <p>5 A. I don't recall the full extent of the conversation at</p> <p>6 the time.</p> <p>7 Q. Okay. Did Mr. Kratz say or do anything inappropriate</p> <p>8 at that meeting in your mind?</p> <p>9 A. No. We just went over the material pertaining to</p> <p>10 Mr. Konnitzer's case.</p> <p>11 Q. Okay. Since that meeting, have you ever seen</p> <p>12 Mr. Kratz?</p> <p>13 A. No.</p> <p>14 Q. That was the last time you saw him?</p> <p>15 A. Yes.</p> <p>16 Q. Now, how long before -- strike that.</p> <p>17 Is the next judicial proceeding you were</p> <p>18 involved in the sentencing hearing?</p> <p>19 A. Yes.</p> <p>20 Q. There was never a trial for Mr. Konnitzer, was there?</p> <p>21 A. No.</p> <p>22 Q. Just -- he made a plea and it was accepted and the</p> <p>23 judge sentenced him, right?</p> <p>24 A. Yes.</p> <p>25 Q. Were you present at the sentencing hearing?</p>	<p>1 Q. He never threatened to you, either at the meetings or</p> <p>2 in the texts, that he was going to reduce his charges</p> <p>3 against Mr. Konnitzer if you didn't date him or see</p> <p>4 him or do anything with him?</p> <p>5 A. He didn't directly say that, no.</p> <p>6 Q. You know, I'm not going to go through these one by</p> <p>7 one; but I'll show you what was marked as Exhibit 3</p> <p>8 at Mr. Kratz's dep, and I believe that's a transcript</p> <p>9 of his texts and your responses. Have you seen that</p> <p>10 before?</p> <p>11 A. Yes.</p> <p>12 Q. You mentioned before the deposition you reviewed the</p> <p>13 texts. Is that what you saw?</p> <p>14 A. Yes.</p> <p>15 Q. Oak. First of all, are those reported correctly, to</p> <p>16 your knowledge?</p> <p>17 A. Yes.</p> <p>18 Q. You -- when you eventually -- I'm jumping ahead. But</p> <p>19 you eventually then went to the police two days later</p> <p>20 and gave them the texts, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And so that exhibit that I just put in front of you</p> <p>23 is the same thing that you gave to the sheriff's</p> <p>24 department, correct?</p> <p>25 A. Yes.</p>
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<p>1 A. I was there via phone.</p> <p>2 Q. Okay. They let you do a phone hookup?</p> <p>3 A. Yes.</p> <p>4 Q. Did you say anything at the sentencing hearing?</p> <p>5 A. No.</p> <p>6 Q. Did Mr. Konnitzer say anything at his sentencing</p> <p>7 hearing that you heard?</p> <p>8 A. Just yeses and nos when he was asked questions.</p> <p>9 Q. Okay. Has he ever apologized to you?</p> <p>10 A. No.</p> <p>11 Q. After that meeting with Mr. Kratz that you just</p> <p>12 described, when was the next time you had any contact</p> <p>13 with him?</p> <p>14 A. That day.</p> <p>15 Q. Okay. And what was the contact?</p> <p>16 A. The first text.</p> <p>17 Q. So the texts started right after that meeting?</p> <p>18 A. Correct.</p> <p>19 Q. How long after the meeting?</p> <p>20 A. On my way home.</p> <p>21 Q. Did Mr. Kratz ever tell you that he would stop</p> <p>22 prosecuting Mr. Konnitzer or change his method of</p> <p>23 prosecution?</p> <p>24 A. The only thing that he ever told me was what was in</p> <p>25 the texts.</p>	<p>1 Q. In any of those texts, did you ever tell Mr. Kratz to</p> <p>2 stop texting you?</p> <p>3 A. I never said it in those words. But cutting off all</p> <p>4 contact for a few of them I believed was a clear</p> <p>5 indication that I had no interest in pursuing a</p> <p>6 conversation with him.</p> <p>7 Q. So what you're telling me is when you didn't reply to</p> <p>8 some of his texts, that was your message to him?</p> <p>9 A. Right. And some of the shorter answers such as the</p> <p>10 LOLs, that's usually just a one-word I'm not</p> <p>11 interested basically -- politely declining.</p> <p>12 Q. What does LOL mean?</p> <p>13 A. Laugh out loud.</p> <p>14 Q. I knew that. I just wanted to hear it. In any of</p> <p>15 those texts, did you tell him that the content of his</p> <p>16 texts were inappropriate or they were upsetting you</p> <p>17 in any way?</p> <p>18 A. I believe I did it in a certain way with poise as to</p> <p>19 not to upset him or make him angry with me, to try to</p> <p>20 gather my bearings, if you will, to see how this</p> <p>21 would go from here. Because as soon as he mentioned</p> <p>22 Shannon's case, that's when I became frightened about</p> <p>23 it.</p> <p>24 Q. Frightened that he wouldn't prosecute the case?</p> <p>25 A. That he wouldn't prosecute it correctly, yes.</p>

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<p>1 Q. Is that why you went to the police? 2 A. Yes. 3 Q. When you went to the Kaukauna police, did you go with 4 your mother? 5 A. Yes. 6 Q. And this was 2:30 in the afternoon on October 22 of 7 '09, correct? 8 A. Correct. 9 Q. And what you basically told the police when you went 10 there -- this was Officer Romenesco? 11 A. Correct. 12 Q. And you told him that you were afraid that Kratz 13 would throw out your whole case? 14 A. Correct. 15 Q. He never said that in any text, though, did he? 16 MR. FOX: Object to the form of the 17 question. The texts speak for themselves. At least 18 insofar as they literally speak. 19 BY MR. TORNEHL: 20 Q. Go ahead. You can answer. 21 A. Could you repeat that, please. 22 (Question read by the reporter.) 23 A. Not directly. 24 Q. Part of the police report, I mean, I can show it to 25 you, but I think you've seen this before, haven't</p>	<p>1 A. I don't believe about that. Two people did come in, 2 talk to me, from the Department of Justice. I do not 3 recall their names. I do not recall the date. 4 Q. Okay. Mr. Kratz in his last text to you told you he 5 was going to respect your desires and leave you alone 6 until after this case was over, correct? 7 A. Correct. 8 Q. He stopped texting you of his own accord? 9 MR. FOX: Object to foundation as to why 10 he did or did not do so. She doesn't have that 11 knowledge. 12 BY MR. TORNEHL: 13 Q. Your only knowledge of why Mr. Kratz stopped texting 14 you is what he said in the last text, correct? 15 A. Correct. The last text came in as I was at the 16 police station in Kaukauna. 17 Q. This Officer Romenesco that you saw there, did you 18 literally show him your phone and the texts? 19 A. I showed her my phone, yes. 20 Q. Oh, Officer Romenesco is a female? 21 A. Correct. 22 Q. Other than Officer Romenesco, who else did you talk 23 to at the police station? 24 A. I didn't talk to him about it, but Officer Charlie 25 Vosters was the one that came in and photographed</p>
<p style="text-align: center;">Page 39</p> <p>1 you? There is a one-page handwritten statement from 2 you? 3 MR. FOX: The witness is being shown the 4 police report that's referred to in the preceding 5 question, and she is now reviewing it. 6 A. Okay. 7 BY MR. TORNEHL: 8 Q. That's the handwritten statement you gave that day? 9 A. Correct. 10 Q. Other than that handwritten statement to the Kaukauna 11 police on that date, have you given any other written 12 or recorded statements to anybody about anything to 13 do with this case? 14 A. I believe there was an OLR -- am I saying that 15 correctly -- 16 Q. Yes. 17 A. -- form and that was it. 18 Q. Okay. You filled out a form for OLR? 19 A. Yes. 20 Q. And was that -- did Mr. Fox represent you at that 21 time? 22 A. No. 23 Q. Okay. Who at OLR contacted you for that? 24 A. I do not recall. 25 Q. Did somebody come meet with you?</p>	<p style="text-align: center;">Page 41</p> <p>1 each and every one. 2 Q. He was literally photographing your phone? 3 A. Correct. We sat and went through every single one. 4 Q. And both -- I haven't seen those photographs. That 5 would be both -- the photographs would show his text 6 and your replies, correct? 7 A. Correct. 8 Q. Okay. Your fear of Mr. Kratz was whether he was 9 going to do a good job in prosecuting Mr. Konnitzer, 10 correct? 11 A. Correct. 12 Q. You didn't have any other fear of Mr. Kratz, did you? 13 A. Not as far as that one. As far as making me feel 14 extremely uncomfortable and fearful as far as that 15 goes. But it was mainly pertaining to 16 Mr. Konnitzer's case. For my own well-being for that 17 matter. 18 Q. Someone else came in and finished up the prosecution, 19 correct? 20 A. Correct. 21 Q. That was someone from the State Department of 22 Justice? 23 A. Correct. 24 Q. Who was that? 25 A. I believe it was -- it was -- the name that really</p>

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<p>1 sticks out to me is Amy Sievert from the Department 2 of Justice, Attorney General's office.</p> <p>3 Q. Did you meet with her?</p> <p>4 A. I never physically met with her, no.</p> <p>5 Q. Talked -- it sounds like maybe you talked to her over 6 the phone?</p> <p>7 A. Correct.</p> <p>8 Q. Were you pleased with the final sentencing of 9 Mr. Konnitzer? Or satisfied maybe is a better word 10 than pleased.</p> <p>11 A. No, I don't believe I was.</p> <p>12 Q. Okay. Did you want to see something harsher?</p> <p>13 A. Maybe a part of me. But most of me feels that it 14 wasn't taken seriously, that it was just swept under 15 the rug or ignored like it was lesser of a thing. I 16 felt like he kind of slipped through the cracks 17 because this major thing had happened now. Due to 18 Mr. Kratz, I lost a lot of faith in the judicial 19 system, so...</p> <p>20 Q. Because of the texts he sent you?</p> <p>21 A. Correct.</p> <p>22 Q. Other than losing some faith in the judicial system 23 as you just said, are there any other ways you feel 24 you were damaged because Mr. Kratz e-mailed -- or 25 texted you? Excuse me.</p>	<p>1 the text message incident?</p> <p>2 A. Not to the fullest. Not fully.</p> <p>3 Q. What are you aware of?</p> <p>4 A. I'm aware that he opened up a law practice in 5 Kimberly, Wisconsin, last year. That is what I'm 6 aware of.</p> <p>7 Q. Have you ever been convicted of a crime?</p> <p>8 A. No.</p> <p>9 MR. FOX: Let me object to the question.</p> <p>10 And before that question can be answered, I think 11 the witness has the right to look at some sort of 12 record to refresh her recollection and also I have a 13 look at it to advise her on what, if anything, her 14 record shows. Subject to that, she's answered it as 15 best she can from her knowledge.</p> <p>16 BY MR. TORNEHL:</p> <p>17 Q. Okay. You were arrested for shoplifting at one time, 18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And what became of that arrest?</p> <p>21 A. I was shopping with a friend shortly after I had 22 moved to Merrill and she was caught and I was an 23 accessory. So that's all that transpired from there. 24 I paid a small fine and moved on from it. And hung 25 out with a different class of people from then on</p>
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<p>1 A. I don't have trust in anyone that has authority over 2 me, any police officers, like I said, the judicial 3 system. I just -- I don't have any faith in anyone 4 who has power or authority over me. I don't have 5 trust that I did before, and I never will.</p> <p>6 Q. Have you dealt with the judicial system since then at 7 all?</p> <p>8 A. No.</p> <p>9 Q. When you went to the police to report the text 10 messages, you also had some drunk driving charges 11 pending at that time?</p> <p>12 A. Correct.</p> <p>13 Q. Did you talk to them that day about those charges at 14 all?</p> <p>15 A. No.</p> <p>16 Q. Are you aware that Mr. Kratz has made public 17 apologies about sending you text messages?</p> <p>18 A. I am not aware.</p> <p>19 Q. You haven't seen anything like that?</p> <p>20 A. No. I don't know if you are aware of where Merrill 21 is in Wisconsin.</p> <p>22 Q. I've been to Merrill.</p> <p>23 A. It's the middle of the woods. I lived 20 minutes out 24 of town.</p> <p>25 Q. Are you aware of what's happened to Mr. Kratz since</p>	<p>1 out.</p> <p>2 Q. So you were fined for retail theft, correct?</p> <p>3 A. Correct.</p> <p>4 Q. You were taking some items too that day, correct?</p> <p>5 A. There was some found in my bag, yes.</p> <p>6 Q. Were you arrested for hit-and-run in 2004 or 7 thereabouts?</p> <p>8 A. I was never arrested. I paid -- I went to court and 9 paid a fine. I believe that was around New Year's.</p> <p>10 Q. After this texting incident with Mr. Kratz, did you 11 ever talk to some reporters or a reporter?</p> <p>12 A. Yes.</p> <p>13 Q. And who was that?</p> <p>14 A. I believe his name is Ryan, the last name is cloudy.</p> <p>15 Q. Did he call you?</p> <p>16 A. Yes.</p> <p>17 Q. It was a phone call?</p> <p>18 A. It was actually a Facebook message.</p> <p>19 Q. So he contacted you on Facebook?</p> <p>20 A. Correct.</p> <p>21 Q. And did you talk to him?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Did you call him or did he call you?</p> <p>24 A. He contacted me.</p> <p>25 Q. So he first contacted you on Facebook, then he -- how</p>

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<p>1 did he get your phone number?</p> <p>2 A. He asked if he could call, ask a couple questions. I</p> <p>3 said sure and gave him my number over that, via</p> <p>4 Facebook.</p> <p>5 Q. Do you know when that was that you talked to him?</p> <p>6 A. I would say it would have had to have been around</p> <p>7 August. I don't remember. I don't recall.</p> <p>8 Q. August of 2010. Keeping in mind these texts were in</p> <p>9 October 2009. So you think it was the following</p> <p>10 August that he contacted you?</p> <p>11 A. Yes.</p> <p>12 Q. Have you talked to anyone other than that reporter</p> <p>13 about this incident?</p> <p>14 A. No.</p> <p>15 Q. When you talked to him, that was before Mr. Fox</p> <p>16 represented you, correct?</p> <p>17 A. Correct.</p> <p>18 Q. I want to make sure I understand every time you've</p> <p>19 talked to anyone about Mr. Kratz and the texting.</p> <p>20 And I understand you went to the police the last day</p> <p>21 of the texting. I understand that you may have</p> <p>22 talked to your immediate family members about it. I</p> <p>23 think you specifically said your grandmother.</p> <p>24 A. My mother is who I talked with about that. My</p> <p>25 grandmother suffered a heart attack, so I didn't want</p>	<p>1 break.</p> <p>2 (Discussion off the record.)</p> <p>3 (Recess taken from 2:32 to 2:37 p.m.)</p> <p>4 MR. TORNEHL: Back on the record.</p> <p>5 Q. I did want to ask you a couple more questions about</p> <p>6 the hit-and-run. I see you pled guilty to that?</p> <p>7 A. Correct.</p> <p>8 Q. And was somebody hurt?</p> <p>9 A. Not as far as I recall.</p> <p>10 Q. I see that you wrote a letter of apology to the</p> <p>11 victims?</p> <p>12 A. As was appointed to by the court as part of my</p> <p>13 judgment, I believe.</p> <p>14 Q. The judge told you you had to do that?</p> <p>15 A. Yes.</p> <p>16 Q. Then there's some lawsuit that a Timothy Miller</p> <p>17 brought against you --</p> <p>18 A. Yes.</p> <p>19 Q. -- and others?</p> <p>20 A. Yes.</p> <p>21 Q. Tell me what your understanding is, what was that</p> <p>22 lawsuit about? What did he claim you did?</p> <p>23 THE WITNESS: Do I just explain it the way</p> <p>24 I explained it to you?</p> <p>25 MR. FOX: I didn't, quite frankly -- you</p>
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<p>1 to burden her with this kind of news, so...</p> <p>2 Q. So you talked to your grandmother [sic], you talked</p> <p>3 to someone at OLR, and then you talked to a reporter.</p> <p>4 Anybody else?</p> <p>5 A. Not that I recall.</p> <p>6 Q. After the reporter incident, sometime after that is</p> <p>7 when you retained Mr. Fox and you haven't talked to</p> <p>8 anybody since then?</p> <p>9 A. Correct.</p> <p>10 Q. Other than me.</p> <p>11 A. Correct.</p> <p>12 Q. So you've obviously got a Facebook account, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Have you ever discussed anything about Mr. Kratz on</p> <p>15 Facebook?</p> <p>16 A. Never.</p> <p>17 Q. Never. I know you're on Twitter too, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And that's -- Twitter is a -- you don't need a</p> <p>20 password, anybody can see you on Twitter, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Have you ever discussed anything about Mr. Kratz on</p> <p>23 Twitter?</p> <p>24 A. No.</p> <p>25 Q. All right. I'm almost done. Let me take a quick</p>	<p>1 can do your best to answer it to the basis of your</p> <p>2 understanding. If you don't understand it, then</p> <p>3 indicate that you don't understand it. So you can't</p> <p>4 talk about conversations you've had with me, but you</p> <p>5 can give him whatever information you have to give</p> <p>6 him in answer to the questions he has.</p> <p>7 A. I guess is just to start from the very beginning. I</p> <p>8 was in high school at the time. Some friends wanted</p> <p>9 to go a party. They asked me for a ride. I said</p> <p>10 okay, for gas money. They told me to stop at the</p> <p>11 Valley Fair Mall parking lot to park my car. They</p> <p>12 all proceeded to get out. The last boy that got out</p> <p>13 of my car, I don't even recall which one it was, said</p> <p>14 stay here, lock your doors, keep your head down, and</p> <p>15 don't look back up until we knock on the window. I</p> <p>16 agreed. He -- before I could even say another word</p> <p>17 the car was shut.</p> <p>18 By the time -- I looked up once, there had</p> <p>19 been a fight going on. I looked back down and did</p> <p>20 not proceed to look back up until they knocked on my</p> <p>21 window as told to do so. They got in my car, and we</p> <p>22 were shortly pulled over after that.</p> <p>23 Q. And apparently this Timothy Miller got beat up and</p> <p>24 sued you and others?</p> <p>25 A. Correct.</p>

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<p>1 Q. And you didn't -- did you even get an attorney for 2 this?</p> <p>3 A. No.</p> <p>4 Q. And that's why he ended up getting a judgment against 5 you?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. We were talking about your jobs now, recently, 8 in the last couple years. Have you also done some 9 modeling work?</p> <p>10 A. I've dabbled in some time-for-print work. I don't 11 know if you're aware of what that means.</p> <p>12 Q. No idea.</p> <p>13 A. It's work that the model does for free for the 14 photographer. In return, he gives her photos to 15 build her portfolio for free. It's to promote the 16 both of you. Otherwise, my current modeling resume 17 is Big Head Golf, you can look that up on 18 bigheadgolf.com, it's a golf sporting wear company. 19 I've also been featured on the Entertainer for being 20 a Packer fan. So that's about the extent of it.</p> <p>21 Q. Are those things you've gotten paid for, I mean, it's 22 a little side job kind of thing?</p> <p>23 A. I was not paid. I did it for -- the first one was I 24 was at a Packer game at Lambeau Field, and a 25 photographer said I shoot for the Entertainer, would</p>	<p>1 these various offenses as to whether you committed a 2 crime or not, do you understand whether or not those 3 offenses are or are not a crime? Do you have enough 4 knowledge to know?</p> <p>5 A. No.</p> <p>6 MR. FOX: Okay. That's all I have.</p> <p>7 EXAMINATION</p> <p>8 BY MS. SCHMIDT:</p> <p>9 Q. I have some follow-up questions. We met just before 10 the deposition, and my name is Linda Schmidt and I 11 represent Peerless Indemnity Insurance Company which 12 is Mr. Kratz' homeowners insurance carrier. And just 13 to -- I just have a couple follow-up questions. I 14 may go over some familiar ground from Mr. Tornehl's 15 questions, but I just want to make sure I understand 16 a couple of things and fill in some details.</p> <p>17 In particular, do I understand correctly 18 that you brought this lawsuit based upon the text 19 messages that Mr. Kratz sent to you in -- that was 20 October 2009, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And these are the same text messages that you 23 discussed previously with Mr. Tornehl, right?</p> <p>24 A. Correct.</p> <p>25 Q. And is it your contention that those text messages</p>
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<p>1 you mind smiling. It was literally that fast, and 2 two or three months later I was on the cover of the 3 Entertainer.</p> <p>4 The second one was it's my friend's golf 5 company. So they said would you mind being on our 6 website, we know you're trying to become, you know, 7 an up-and-coming model and just to do kind of a side 8 job. I'm 28 years old. I am 67 in the modeling 9 world. I know I don't have a future in it. So just 10 for some side jobs, if I can make a couple extra 11 bucks.</p> <p>12 Q. Sure. I asked you just one or two questions about 13 Twitter. What is your Twitter ID?</p> <p>14 A. That Stephanie Girl at stephvangroll, S T E P H V A - 15 N G R O L L, all together.</p> <p>16 MR. TORNEHL: That's all the questions I 17 have.</p> <p>18 EXAMINATION</p> <p>19 BY MR. FOX:</p> <p>20 Q. Let me just ask you a follow-up. Do you understand 21 what a misdemeanor is versus a crime? Do --</p> <p>22 A. No.</p> <p>23 Q. -- you know what the difference is?</p> <p>24 A. No.</p> <p>25 Q. When you were answering his questions with regard to</p>	<p>1 were unwelcome sexual advances?</p> <p>2 A. Yes.</p> <p>3 Q. And they were offensive to you, right?</p> <p>4 A. Yes.</p> <p>5 Q. And you felt harassed by them?</p> <p>6 A. Yes.</p> <p>7 Q. When Mr. Kratz texted you, he was the prosecutor in 8 charge of the case against your boyfriend, right?</p> <p>9 A. Correct.</p> <p>10 Q. And is that ultimately why you brought this lawsuit, 11 not merely because he was texting you, but because he 12 was texting you while he was the prosecutor in charge 13 of your boyfriend's case?</p> <p>14 A. Correct.</p> <p>15 MR. FOX: Object to the form of the 16 question. But you can answer if you want, and you 17 have.</p> <p>18 BY MS. SCHMIDT:</p> <p>19 Q. When he texted you, Mr. Kratz texted, you feared that 20 if you confronted him or turned him down -- or turned 21 down his advances, that he might retaliate in failing 22 to properly prosecute your ex-boyfriend, right?</p> <p>23 A. Correct.</p> <p>24 Q. So you believe he violated your rights by texting you 25 while he was a prosecutor?</p>

1 MR. TORNEHL: Object to the form of that 2 question. 3 A. Correct. 4 BY MS. SCHMIDT: 5 Q. I think -- and along that line, I think you testified 6 earlier that when you went to the police, that was 7 because you were afraid that Kratz would not properly 8 pursue the case against your ex-boyfriend if you did 9 not respond to the text messages and his advances, 10 right? 11 A. Correct. 12 Q. I mean, no one should have to respond to sexual 13 advances to receive -- or to have their case against 14 their abuser prosecuted, right? 15 A. Right. 16 Q. And in filing this lawsuit, is it your goal to ensure 17 that -- or to receive redress for the fact that you 18 believe that was the requirement put on you? 19 A. Can you state that another way. 20 Q. Certainly. In filing this lawsuit, are you motivated 21 by the fact that you believe Kratz was in essence 22 requiring you to respond to his text messages in 23 order to have the case against your ex-boyfriend 24 prosecuted and prosecuted correctly? 25 A. Yes.	Page 54 1 A. Yes. 2 Q. Can you describe that hurt for me a little more 3 clearly. 4 A. As far as -- I believe it all ties into trusting 5 people. I was a very trusting person before and it 6 just -- it hurts to know that someone that was 7 supposed to have your voice and speak for you, after 8 ten years of finally coming out and just saying, hey, 9 this is what's going on and this needs to happen, and 10 then to have that be treated like a joke is hurtful 11 to me. It hurts my sense of pride, in a way, to be 12 not taken seriously at all really. 13 Q. So the hurt is an emotional hurt, it's not a physical 14 hurt in any way? 15 A. Correct. 16 Q. You also mentioned worry, that you have increased 17 worry and strife and you didn't need that in your 18 life, right? 19 A. Correct. 20 Q. So that the damages that you just told me about, the 21 injuries that you told me about, as I understand it, 22 these arise because you believe that Mr. Kratz 23 sexually harassed you through his text messages, 24 right? 25 A. Correct.
Page 55 1 Q. You testified in response to questions by Attorney 2 Tornehl that your damages in this case are that you 3 lost faith in the judicial system because of 4 Mr. Kratz's text messages, right? 5 A. Correct. 6 Q. And that you don't trust anyone with any authority or 7 power over you, like the police or the judiciary, 8 right? 9 A. Correct. 10 Q. Are there any other damages that you are seeking 11 relief for in this case? 12 A. I think that really sums it up. It's just a lot of 13 embarrassment, a lot of unnecessary fear, a lot of 14 unnecessary hurt and worry and strife over a time in 15 my life when I had that going on already, I didn't 16 need that on top of it. 17 Q. Anything else? 18 A. Nothing that I can think of. 19 Q. Okay. So just to sum up, you've lost faith in the 20 judicial system because of his text messages, you 21 told me that you don't trust anyone in authority or 22 power over you, the police, the judicial system and 23 the like, his text messages caused you embarrassment, 24 caused you fear, caused you hurt -- by hurt do you 25 mean, like, emotional hurt?	Page 55 1 Q. They don't have any other source? 2 A. Correct. 3 Q. You feel that he invaded your privacy through the use 4 of your information and his text messaging? 5 A. Correct. 6 Q. And it's this invasion of privacy and what you 7 believe was an abuse of his office that caused you to 8 lose faith, to lose trust, to feel embarrassed, be 9 fearful, hurt, have worry; is that right? 10 A. Yes. 11 Q. It's not because Mr. Kratz physically assaulted you 12 or harmed you, right? 13 A. Correct. 14 Q. In fact, I believe you testified that at the last 15 meeting you had with him in person, that he didn't 16 make any inappropriate statements or have any 17 inappropriate actions? 18 A. Correct. 19 Q. And Mr. Kratz didn't spread some disease or illness 20 to you, did he? 21 A. No. 22 MR. FOX: We can stipulate to that. 23 BY MS. SCHMIDT: 24 Q. So really, when it -- to try and sum up again, you're 25 suing Mr. Kratz because you believe he abused his

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1 position and sexually harassed you, correct?
2 MR. FOX: Object to asked and answered in
3 rather elaborate terms. But if you want to answer
4 one more time, that's fine.
5 MR. TORNEHL: I'll join in that.
6 A. Correct.
7 MS. SCHMIDT: Okay. That's all I have.
8 Thank you.
9 RE-EXAMINATION
10 BY MR. TORNEHL:
11 Q. I just have one --
12 MR. FOX: Oh, God.
13 MR. TORNEHL: No, this is --
14 MS. SCHMIDT: This is a problem when you
15 have attorneys who --
16 BY MR. TORNEHL:
17 Q. This unfortunately has to go back to the night of
18 June 27th of '09 when Mr. Konnitzer assaulted you.
19 Where was your daughter when all of this was
20 happening?
21 A. She was at his parents' overnight, for an overnight
22 visit.
23 MR. TORNEHL: Okay. Good. That's.
24 That's all.
25 (The deposition concluded at 2:53 p.m.)

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1 STATE OF WISCONSIN)
2 MILWAUKEE COUNTY)
3 I, LYNN M. BAYER, Certificate of Merit Reporter
4 with Gramann Reporting Company and Notary Public in and
5 for the State of Wisconsin, hereby certify that the
6 matters set forth in the caption to the foregoing
7 deposition are true and correct; that the witness appeared
8 before me at the time and place set forth; that said
9 witness was first duly sworn, and thereupon proceeded to
10 testify in said cause; that the proceedings were taken
11 down in machine shorthand and thereafter transcribed via
12 computerized transcription under my direction; and that
13 the foregoing is a true and correct transcription of the
14 testimony given and the proceedings had during the taking
15 of said deposition.

16 I further certify that I am not a relative or
17 employee of any of the parties hereto, nor a relative or
18 employee of such attorney or counsel; nor do I have any
19 interest in the outcome or events of the action.

20 WITNESS MY HAND AND SEAL OF OFFICE, this the
21 19th day of January, 2013.

22 _____
23 LYNN M. BAYER
24 Notary Public in and for the State of Wisconsin
25 My Commission Expires April 24, 2016

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